

HCE - Hegarty Consulting Engineers

Redacted - Personal Information

HCE Submission: Kerry County Development Plan (2022-2028) on Wed 23rd February 2022.

FTAO: Mr Damien Ginty, Senior Planner, Planning Policy Unit, Kerry County Council,
Rathass, Tralee, Co. Kerry, V92H7BT.

Dear Sirs,

Redacted - Personal Information

We write on behalf of our client: Mr Shaun Hegarty, [REDACTED]
County Kerry. On his behalf, we wish to make a number of observations, being modest
proposals to amend a number of items contained in the Draft, relating to the putting in
place of a sustainable strategy for the development of appropriate housing within the Plan
Area and more specifically as it applies to the Listowel Town Area within it.

The proposed amendments for inclusion to the Proposed Kerry County Development Plan
(2022-2028) (as extended) are as follows.

For clarity, the content of this submission is itemised under a number of headings as
follows:

1.0: Previous Submission submitted on behalf of my client by Mr Liam Waldron B.Arch. RIAI
of MRG Consulting Engineers Limited. Sadly, Liam Waldron R.I.P. has passed away recently,
hence I am necessarily completing this submission in his place.

The previous submission reads as follows:

“Senior Planner,

Planning Policy Unit,
Planning Department,
Kerry County Council,
County Buildings,
Rathass,
Tralee,
Co Kerry

email: planpolicy@kerrycoco.ie



12th December 2019.

Re: **Submission / Observations on Proposed Variation No. 3 of the Listowel Town Development Plan 2009-2015**; (as extended),

(being the primary development plan for Listowel Town),

and;

insofar as this submission has a bearing on the content of the Proposed & later Adopted "Draft Listowel Municipal District Local Area Plan 2019-2025"; it is requested that these proposals, as adopted, be appropriately referenced in that also.

Dear Sirs,

Redacted - Personal Information

We write on behalf of our client: Mr Shaun Hegarty, [REDACTED] On his behalf, we wish to make a number of observations, being modest proposals to amend a number of items contained in the Draft, relating to the putting in place of a sustainable strategy for the development of appropriate housing within the Plan Area.

The proposed amendments for inclusion to the Proposed **Variation No. 3** changes to the Listowel Town Development Plan 2009-2015 (as extended) are as follows:

1: Insertion of additional text to the following paragraph (page 20 and page 22) in Section 5.1); which currently reads:

"The Planning Authority will seek to ensure that all developments are carried out in a sustainable manner and comply with the "Sustainable Residential Development in Urban Areas" guidelines. The appropriate density for applications for housing developments will be considered by the Planning Authority on a "case by case" basis and will be based on the density of the surrounding development if any and the proximity to the town centre. The quality of the design of the scheme will also heavily influence the decision. In general housing densities will be higher closer to the town centre and lower towards the edge of the town. In the majority of settlements infill and vacant sites are available within close proximity to the town centre. It is proposed to prioritise the development of residential units on vacant and infill sites within existing developments in particular."

The proposed amended text is:

The Planning Authority will seek to ensure that all developments are carried out in a sustainable manner and comply with the "Sustainable Residential Development in Urban Areas" guidelines. The appropriate density for applications for housing developments will be considered by the Planning Authority on a "case by case" basis and will be based on the density of the appropriate surrounding development, if any, the proximity to the town centre and elsewhere if appropriate to ensure the provision of a mix of unit types in existing developments with capacity for additional residential development, in proximity to existing and proposed transport and service infrastructure, in order to meet and to adapt

*to the changing demographic trends and household profiles in a neighbourhood. The quality of the design of the scheme will also heavily influence the decision. In general housing densities will be higher closer to the town centre or in proximity to transport and service infrastructure that serves the development and otherwise will lower towards the edge of the town. In the majority of settlements infill and vacant sites are available within close proximity to the town centre **or in proximity to transport and service infrastructure**. It is proposed to prioritise the development of residential units on vacant and infill sites within existing developments in particular.*

2 & 3: *It is proposed to insert some additional words in the ‘published for public comment’ wording of objectives H 9a and H 9b of: Revision 3 (i.e. the additional objectives to Section 5.2), which currently reads:*

H 9a	Ensure that residential densities reflect the density of appropriate adjoining developments. Higher densities will be considered in the town centre or within close proximity to the town centre.
H 9b	Require all new residential development schemes (over 5 units) to provide for a mix of house types in order to meet and adapt to the changing demographic trends and household profiles in the County.

The proposed amended text for objectives H 9a and H 9b is:

Revision 3 (i.e. the additional objectives to Section 5.2),

H 9a	Ensure that residential densities reflect the density of appropriate adjoining developments. Higher densities will be considered in the town centre, within close proximity to the town centre or in proximity to transport and service infrastructure that serves the development .
H 9b	Require all new residential development schemes and completion of existing development schemes within the town boundary (over 5 units) to provide for a mix of house types in order to meet and adapt to the changing demographic trends and household profiles in the County.

RATIONALE FOR THE ABOVE PROPOSALS.

The proposed amendments, if accepted, will bring even greater clarity to the stated objective of aligning local with best practice implementation of all current national policies.

These proposed amendments, if accepted, will enhance the current “published for public comment” Draft Proposals of Variation 3, so as to best serve the considerable demand and growing needs of the population of the town, the many returning immigrants to the region

and particularly the population of its rural hinterlands, primarily to the West & North of the town, by enabling them to secure viable accommodation in a suitable mix of dwelling sizes and types on well serviced “Existing Residential Zoned – R2” land that is actually available for development at this time.

There is a clear demand for an appropriate and sustainable mix of dwelling types; including one, two & three bed units in the Plan area. All opportunities to meet this demand in a sustainable, balanced and affordable manner should be encouraged within the plan. Such mix can also cater appropriately for changing demographics, including the mobility and accessibility needs of our ageing population. This is the case, not just for new development, but equally where an opportunity to provide such mix presents in or close to existing residential developments, most of which are homogenous in type. Such homogeneity frustrates key principles of planning for ability to change and adapt, upsize and downsize, but remain within close neighbourhoods.

These proposed amendments would also enhance, in a sustainable manner, the completion of existing developments that have been stalled due to the severe economic downturn. This would then greatly benefit the newly formed communities who currently live in the existing completed phases of these non-completed developments and will lessen the serious difficulty currently being experienced in the residential sector, both public and private in the area.

Furthermore, such “Zoned Existing Residential – R2 Land” is in proximity to recently provided large scale transport and service infrastructure, both existing and planned, that serves these developments in an environmentally optimal and entirely sustainable manner, without any further cost to the local authority. As such it represents appropriate use of Public funded and Privately provided infrastructure.”

----- End of Previous Submission -----

2.0: Further Rationale in support of this submission as outlined in 1.0 above:

A.0: The Chief Executive’s Report On Submissions on the Proposed Variation No. 3 of the Listowel Town Development Plan 2009 - 2015 (as extended) listed and abbreviated the above as:

“Written Submission No.8: MRG Consulting Engineers Limited on behalf of Mr. Shaun Hegarty,

[REDACTED] Redacted - Personal Information

Submission:

This submission requests that several additions be made to the Variation.

The amendments put forward relate to a sustainable strategy for the development of appropriate housing to meet growing needs and demands of the population of the town with a sustainable mix of dwelling types within existing or new residential areas within the Plan area.

Additions proposed in this submission are outlined in italics below:

Section 5.1 of the Variation – the following text is requested to be added as follows:

The Planning Authority will seek to ensure that all developments are carried out in a sustainable manner and comply with the 'Sustainable Residential Development in Urban Areas Guidelines. The appropriate density for applications for housing developments...*and elsewhere if appropriate to ensure the provision of a mix of unit types in existing developments with capacity for additional residential development, in proximity to existing and proposed transport and service infrastructure, in order to meet and adapt to the changing demographic trends and household profiles in a neighbourhood. ...In the majority of settlements infill and vacant sites ...town centre or in proximity to transport and service infrastructure.*

The following additional text is also requested to be included under the following objectives, of Revision 3 of the proposed Variation:

Objective H9a Ensure that residential densities reflect the density of appropriate adjoining developments. Higher densities...*town centre or in proximity to transport and service infrastructure that serves the development.*

Objective H9b Require all new residential development schemes and completion of existing residential schemes within the town boundary (over 5 units) to provide for a mix of house types*profiles in the County.*

Response from Planning Authority: Higher densities will be considered on a case by case basis depending on amongst other issues – the location of the site, the design and quality of the scheme - how it complies with certain performance criteria and the quality of life proposed for incoming residents in addition to existing or proposed services in the area. The Town Plan and proposed Variation does not limit the consideration of higher densities to certain areas of Listowel. Therefore, it is not considered necessary to specify specific locations outside of the town centre where higher densities may be suitable as doing so may exclude some suitable areas.

The Planning Authority is required to have regard to Section 28 Guidelines with respect to densities and compact growth. More recently Section 28 now distinguishes between advisory guidelines and specific requirements which must be mandatorily applied by Planning Authorities in the performance of their functions and these are set out as Specific Planning Policy Requirements (SPPR), such as those set out in the Urban Development and Building Heights Guidelines for Planning Authorities, (2018) and the Apartment Guidelines (2018). In such cases the SPPR'S take precedence over any conflicting policies and objectives contained in development plans or local area plans.

The Planning Authority through proposed Variation no. 3 is committed to facilitating increased densities with developments that provide for a mix of unit types to meet the needs of the changing demographic trends and household profiles in Listowel. The existing policies and objectives proposed are not limited to greenfield, new residential areas but rather are applicable to all zoned lands that facilitate residential use. 'New residential development schemes' refers to any new development granted planning permission whether on a greenfield site, infill site, partially completed development site or a site contiguous to an existing development once the Variation is

adopted. In the interests of clarity however it is recommended that the following amendments be proposed:

Recommendation:

(a) Include amendments to objective H9b as follows:

Require all new residential development schemes and completion of existing residential schemes within the town boundary (over 5 units) to provide for a mix of house typesprofiles in the County.

(b) Delete the following proposed objective H 9a:

~~Ensure that residential densities reflect the density of appropriate adjoining developments. Higher densities will be considered in the town centre or within close proximity to the town centre.~~

(c) And replace with the following new objective H 9a:

Proposals for new residential developments shall comply with Specific Planning Policy Requirements (SPPR's) as set out in Section 28 Guidelines such as the Urban Development and Building Heights Guidelines for Planning Authorities, (2018) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2008) and any subsequent SPPR's that may issue, in the interests of compact growth.

Further Rationale Cont'D:

- B.0: Variation No. 3 to the Listowel Development Plan 2009 – 2015 (as extended) - Third Variation to the Listowel Town Development Plan 2009 – 2015 (as extended) was Adopted on 21 st September 2020 By the Members of Kerry County Council

Amongst other revisions it included:

The Adopted Variation The adopted variation No.3 is available on the website at;
<https://www.kerrycoco.ie/planning/planning-policy/town-development-plans/listoweltown-development-plan-2009-2015/listowel-town-development-plan-variations/>

The following changes shall be made to the Listowel Town Development Plan 2009- 2015:

Revision 1: Amend a paragraph (page 20 and page 22) in section 5.1 and replace it on page 20 with the following text.

~~Within centrally located.....in the redevelopment of backlands.~~

There is no reference in this plan and in the land use zonings to residential densities. The appropriate density for applications for housing developments will be considered by the Planning Authority on a case by case basis and will be based on the density of the surrounding development if any and the proximity to the town centre. The quality of the design of the scheme will also heavily influence the decision. In general housing densities will be higher closer to the town centre and lower towards the edge of the town. In the majority of the settlements infill and vacant sites are available within close

proximity to the town centre. It is proposed to prioritise the development of residential units on vacant and infill sites within existing developments in particular.

Revision 2:

Include the following additional objectives in Section 5.1.

Housing

Objective No.: It is an objective of the Council to;

H 1a: Facilitate the development of 122 residential units within the settlement boundary.

H 1b Monitor the scale, rate and location of newly permitted developments and apply appropriate development management measures in order to ensure compliance with the settlement hierarchy and strategy, including the population targets for the county. Promote the development of residential units on vacant, derelict and infill sites. Ensure that at least 30% of all new residential development takes place on brownfield and or infill sites.

H 1c Ensure that future residential development is only permitted on appropriately zoned land within the town boundary in accordance with the core strategy to ensure a sustainable and compact urban form. A sequential approach shall be taken to all new development.

H 1d Prohibit development on lands zoned as Strategic Residential Reserve (R4) until 80% of all other residential zoned lands (R1, Proposed Residential and R2, Existing Residential) have been developed to the satisfaction of the Planning Authority.

Revision 3:

Include the following additional objectives in Section 5.2.

Housing Objective No.: It is an objective of the Council to;

H 9a: Ensure that proposals for new residential developments shall comply with Specific Planning Policy Requirements (SPPR's) as set out in Section 28 Guidelines such as the Urban Development and Building Heights Guidelines for Planning Authorities, (2018) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2008) and any subsequent SPPR's that may issue, in the interests of compact growth.

H 9b Require all new residential development schemes and completion of existing residential schemes within the town boundary (over 5 units) to provide for a mix of house types in 5 order to meet and adapt to the changing demographic trends and household profiles in the County.

Etc as included in the Adopted Variation 3.

Further Rationale Cont'D:

- **C.0:** The context of this application is that Mr Liam Waldron B.Arch. RIAI (R.I.P.) who prepared the early parts of this submission was working until recently on the Design of

Sustainable Proposals for each of the two prime located plots of land; one of which is a significant infill site, which necessarily remains undeveloped at the Slí na Spéire Development, Clieveragh, Listowel, Co Kerry.

These proposals were of a sufficiently detailed and functional design, with each tailored to suit the physical characteristics and individual location of each site respectively within the overall development and of suitably higher density to compliment the mix provided pre-existing four phases comprising of an equal mix of both detached and semi-detached dwellings and meet the current needs of this area of the town by use of the new policy documents and Guidelines which have been published to help deliver more focussed, high quality and higher density development in the right locations that can help shift our reliance on unsustainable travel and deliver more climate resilient and adaptable places.

Final Further Rationale Cont'D:

- **D.0: The Background and current position of Slí na Spéire development:** Reflecting the market in Listowel Town in the early 2000's the pre-existing phases were necessarily sold off as serviced sites to various builders or individual house owners who constructed their own dwellings. From the outset the Slí na Spéire Management Company Limited was constituted and affixed to the to the booklet of title for each site. This was to ensure the orderly and timely provision of roads, footpaths, street lighting and all other services to each enclave of dwellings in a logically sequential manner and to ensure the continuation of service provision pending the completion of the development and its transfer to the management company under the control of its members.

Thereby, this management model has and continues to successfully ensure the viability of this, what could be best described as a "housing co-operative" type of development on behalf of its members.

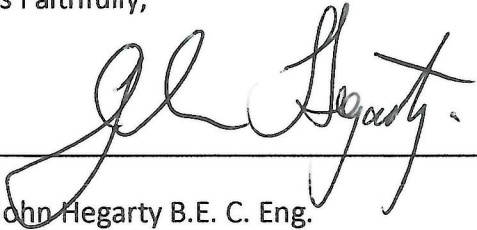
Having overseen the completion of the public areas for each phase in turn in accordance with its respective planning permission, along with the continuous provision of maintenance and services, the management company is also currently co-ordinating and where necessary strongly pursuing the standards of completion and compliance of each individual property owner with his / her individual "cross-compliance" contractual and other legal responsibilities in respect of their individual site and dwelling as they complete same. This ensures the continuous successful progression of the entire Slí na Spéire development to meet its vision of being a traditionally named and green themed open plan layout development sympathetic to the exemplary Heritage Town Status of Listowel Town.

This process is ongoing with the management company, which is now be perfectly positioned to complete its task to ensure the remaining development is managed to the highest standards fit for a prestigious location like Listowel Town.

In conclusion, since Variation No. 3 to the Listowel Development Plan 2009 – 2015 (as extended) - Third Variation to the Listowel Town Development Plan 2009 – 2015 (as extended) was Adopted on 21 st September 2020 By the Members of Kerry County Council; it had therefore completed the established process for Adoption of a Development Plan and taking into account of the little changes that have taken place in the Government Guidelines in the interim 12 months; it is now requested that this original submission, the CEO Report and the Adopted Variation 3 and the rationale outlined in this submission, be revisited and its content appropriately included in this County Development Plan.

On behalf of our client, we welcome the thrust of the Plan, and respectfully ask you to give consideration to the modest proposed amendments set out above.

Yours Faithfully,



Mr John Hegarty B.E. C. Eng.

On behalf of HCE Consulting Engineers

Cc: Shaun Hegarty.